

FLICKER, GARELICK & ASSOCIATES, LLP  
45 Broadway  
New York, New York 10006  
(212) 319-5240  
Attorneys for Defendants  
Perini O&G, Perini Corp.,  
and O&G Industries Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
BBC CHARTERING & :  
LOGISTIC GmbH & CO. K.G., :  
: Plaintiff, : Docket No. 08 CIV 200 (WHP)  
-against- : Civil Action  
USIMINAS MECANICA S/A, :  
PERINI O&G, PERINI CORP., :  
O&G INDUSTRIES INC., and :  
UNIBANCO AIG SEGUROS S/A, :  
: Defendants. :  
- - - - - X

CERTIFICATION OF KEITH L. FLICKER

Keith L. Flicker, hereby certifies as follows:

1. I am a member of the bar of this Court and am the Senior Partner of the firm of Flicker, Garelick & Associates, LLP, attorneys for record for Defendants Perini Corp., Perini O&G, and O&G Industries, Inc. in the above-captioned matter.

2. Annexed hereto as Exhibit A is a true and correct copy of the Commercial Invoice issued by Usiminas Mecanica S/A, dated January 12, 2006.

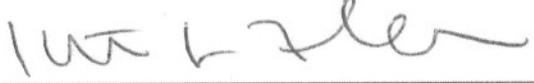
3. Annexed hereto as Exhibit A is a true and correct copy of the Liner Booking Note between Usiminas Mecanica S/A and BBC

DO Brasil LTDA, as agents only for BBC Chartering & Logistics GmbH Co. K.G., dated July 22, 2005.

4. Annexed hereto as Exhibit A is a true and correct copy of the Bill of Lading No. BBCH1196067VN001 issued by BBC Chartering & Logistics GmbH Co. K.G., dated January 15, 2006.

Dated: New York, New York  
July 11, 2008

By:

  
Keith L. Flicker

# **EXHIBIT A**



**MECÂNICA**

## SEDE - HEAD QUARTER

Rua Prof. José Vieira de Mendonça, 3011 - Engenho Nogueira  
 CEP: 31310-260 - TEL: 55 031 3499-8673 FAX: 55 031 3443-3552  
 Belo Horizonte - MG - BRASIL  
 CNPJ: 17.500.224/0001-86

## FABRICA - PLANT

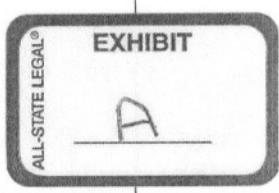
Rodovia BR 381, Km 206 - Horto  
 CEP: 35160-900 - TEL: 55 031 3829-3661 FAX: 55 031 3829-3846  
 Ipatinga - MG - BRASIL  
 CNPJ: 17.500.224/0002-46

Nº EXP :	DATA (DATE)
001/06	JANUARY 12, 2006

<b>FATURA COMERCIAL</b> ( COMMERCIAL INVOICE )	COMPRADOR (BUYER) :
	PERINI/O&G, A JOINT VENTURE 1022 LOWER SOUTH STREET PEEKSKILL, NY 10566 - UNITED STATES

NAVIO (VESSEL) :	ARMADOR (SHIP OWNER) :
MALTE B	
PORTO DE EMBARQUE (PORT OF SHIPMENT) :	PORTO DE DESTINO (PORT OF DESTINATION) :
VITORIA-ES-BRAZIL	NEW YORK, NY, USA
BANDEIRA (FLAG) :	PRODUZIDO EM (MANUFACTURED IN) :
ANTIGUA & BARBUDA	IPATINGA - MG - BRASIL
CONDIÇÕES (TERMS) :	MARCAÇÃO (MARKING) :
DELIVERED DUTY PAID - DDP	
FABRICANTE E EXPORTADOR (MANUFACTURER AND EXPORTER) :	
<b>USIMINAS MECÂNICA S. A.</b>	

QUANTIDADE (QUANTITY) M / T	DISCRIMINAÇÃO ( DESCRIPTION )	VALOR (VALUE)	
		UNITÁRIO (PER UNIT M/T)	TOTAL
NET WEIGHT: 1985,162 MT	BRIDGE COMPONENTS.  511 BUNDLES 20 BOXES  DDP NEW YORK/USA ----- (FIVE MILLIONS SIXTY FOUR THOUSAND ONE HUNDRED SEVENTY SIX DOLLARS AND NINETY FOUR CENTS)	US\$	US\$
			5,064,176.94
	CONSIGNEE: PERINI/O&G, A JOINT VENTURE 1022 LOWER SOUTH STREET PEEKSKILL, NY 10566 – UNITED STATES		
	GROSS WEIGHT: 1985,162 MT		
	MADE IN BRAZIL		
	USIMINAS MECÂNICA S/A		
	FRANCISCO BERNARDES DA SILVA GENERAL EXPORT MANAGEMENT		



# **EXHIBIT B**

08-MAR-06 20:16 FROM-Raets Insurance Group B.V.

+31-10-4528219

T-377 P.002/003 F-629

**Liner Booking Note**

Agents (full style and address) <b>ALBAR LOGISTICS</b> AV. MARECHAL FLORIANO, 19 – SUITE 1201 – CENTRO CEP: 20080-003 – RIO DE JANEIRO – RJ – BRAZIL	Booking Note number <b>X</b>
	Vessel <b>MV BELUGA ENDURANCE OR SUBS</b>
	Time for shipment (about) <b>SEE RIDER CLAUSE 21</b>
	Carrier (full style and address) <b>BBC CHARTERING &amp; LOGISTIC GMBH &amp; CO. KG</b> HAFENSTR. 12 – 26789 LEER AS AGENTS TO CARRIER
Port of loading <b>1 SPSB AAAA VITORIA OR PRAIA MOLE AT CHRTRS OPTION.</b>	
Port of discharge <b>NEW YORK - RED HOOK TERMINAL, CARRIER'S BERTH.</b>	
Place and date <b>RIO DE JANEIRO, 22ND JULY, 2005.</b>	
Merchant (full style and address) <b>USIMINAS MECÂNICA</b> RUA PROFESSOR JOSÉ VIEIRA DE MENDONÇA, 3011 ENGENHO NOGUEIRA – CEP.: 31310-260 – BELO HORIZONTE MINAS GERAIS, BRAZIL	Merchant's representatives at loading port (full style and address) <b>SAME AS MERCHANTS</b>

Marks and Numbers	Number and kind of packages; description of goods	Gross weight	Net weight	Measurement
	P/ C OF BRIDGE DECKS AND ITS MISCELLANEOUS BEING 4000 CBM / 2000 TONS 15% MOLCHOPT (PACKING LIST ATTACHED)		2000 TONS	4000 CBM

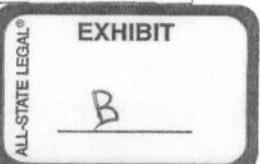
Freight details, charges, etc.	Detention/Demurrage <b>SEE RIDER CLAUSE 22</b>
- FREIGHT: SEE RIDER CLAUSE 23 - TIME LOST DUE TO PORT / BERTH CONGESTION / CLOSURE OR DUE TO SWELL OR DUE TO ANY OTHER REASON BEYOND CARRIER'S CONTROL BOTH ENDS TO BE DEEMED AS VESSEL ON DETENTION AT THE AGREED DETENTION RATE; - FREIGHT FULLY PREPAID ON SIGNING BUT PRIOR TO RELEASING BILLS OF LADING INTO OWNERS NOMINATED BANK ACCOUNT DNRVAOCLNL; - ANY TAXES / DUES / DUTIES ON FREIGHT AND/OR CARGO OR CALCULATED ON SAME INCL LOCAL DOCK DUES / WHARFAGE / THC / TO BE FOR CHARTERERS ACCOUNT; - COMMISSION: 2.5% TO ALBAR LOGISTICS	

Additional Terms	
- OWNERS AGENTS BOTH ENDS ; - GERMAN LAW AND ARBITRATION ; - ON / UNDER DECK IN CARRIER'S OPTION, IF ON DECK AT SHIPPER'S / MERCHANT'S RISK AND EXPENSE, BILLS OF LADING TO BE CLAUDED ACCORDINGLY; - ANY SPECIALLY REQUIRED SPREADERS, LIFTING BEAMS OR OTHER LIFTING EQUIPMENT INCLUDING DUNNAGE AND LASHING MATERIAL AND CRADLES OR OTHER MEANS OF SUPPORT NOT ALREADY ON BOARD THE VESSEL TO BE PURCHASED-SUPPLIED BY MERCHANT; - CGO TO BE FITTED WITH SUITABLE LIFTING LUGS OR OTHER ADEQUATE MEANS OF LIFTING AND CENTER OF GRAVITY TO BE CLEARLY INDICATED, SUFFICIENT LASHING POINTS FOR SECURING TO BE PLACED ON THE CARGO, IF ITEMS ARE NOT FLAT AT THEIR BOTTOMS THEN A FOOTPRINT SKETCH IS REQUESTED. CGO TO BE SUITABLY FOR OCEAN TRANSPORTATION;	

Signature, Merchant <b>USIMINAS MECÂNICA</b>	Signature, Carrier <b>BBC DO BRASIL LTDA</b> AS AGENTS ONLY FOR <b>BBC CHARTERING &amp; LOGISTIC GMBH &amp; CO. KG.</b>
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EXHIBIT

This contract is subject to the terms of the Carrier's Liner Bill of Lading which can be found on the reverse side.



08-MAR-06 20:16 FROM-Raets Insurance Group B.V.

+31-10-4528219

T-377 P.003/003 F-629

**BOOKING NOTE RIDER – BBC Chartering & Logistic GmbH & Co. KG**

20. TERMS: Free in Lashed / Secured / Dunnaged - Liner Out Hook.

## 21. TIME FOR SHIPMENT:

1<sup>ST</sup> SHIPMENT: August 26<sup>th</sup> – 30<sup>th</sup>, 2005.

## 22. DEMURRAGE / DETENTION:

Master to tender NOR SHINC W.W.W.W. and Load rate to apply. 600 metric tons per day SHINC

Cargo to be received as fast as vessel can discharge otherwise detention to apply.

Demurrage / Detention of US\$ 18,000.00 PDPR

Any Demurrage / Detention payable prior discharge.

2.5 free days for each shipment / voy at loading port.

## 23. FREIGHT

US\$ 90.00 W/M plus additional fee of US\$ 25,000.00 net/net

24. MEASUREMENT: All cargoes to be measured at the extremes for the purpose of calculating cargo cubic. Carrier's surveyor may measure and/or weigh the cargo to determine measure and weight. Carrier's measure and weight (which can be taken from terminal's receiving report) to be used for purposes of calculating freight charges.

25. AGENTS/STEVEDORING: Carrier's agents and stevedores at both ends.

26. CARGOES BOOKED TO THE USA: All cargo being discharge or transiting through us waters must be identified and described on the cargo manifest filed with the us customs service 24 hours before such cargo is loaded. If the carrier does not receive this information timely so that carrier can comply with new regulations, then regrettably the carrier will have to assess any applicable fines or penalties against the merchant in accordance with clause 11(d) of carrier's bill of lading.

Signature (Carrier)

BBC do BRASIL LTDA. As agents only for  
BBC Chartering & Logistic GmbH & Co. KG

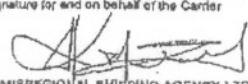
Signature (Merchant)

Usiminas Mecânica

# EXHIBIT C

## LINER BILL OF LADING

PAGE 2

Shipper USIMIRAS MECÂNICA S/A RUA HUM, 2000 - BAIRRO USIMINAS CEP 35160-900 - IPATINGA- MG - BRAZIL.		B/L No. BBCH1186067VN001  Reference No. LOGSEA 051/05  Shipping period	
Consignee PERIN/U&G A JOINT VENTURE 1022 LOWER SOUTH STREET PEEKSKILL, NY 10568 ATT: ANDREW LEVINSON - (914) 739-1908		Notify address BERTLING LOGISTICS INC 15500 VICKERY DRIVE HOUSTON, TX 77032 - TEL 1 281 774-2300 S.J. STILE ASSOCIATES LTD 105 MORRIS AVENUE, SPRINGFIELD- NJ ZIP 07081	
Port of loading VITORIA		Port/Place of final shipment Vessel MALTÉ B	
Port of discharge NEW YORK		Place of delivery by on-carrier Carrier BBC CHARTERING & LOGISTIC GMBH	
<p>Marks and Numbers      Number and kind of packages; description of goods</p> <p>SAID TO BE      Gross weight/Net weight      Measurement</p> <p><b>BRIDGE COMPONENTS</b></p> <p>531 VOLUMES COMPOSED OF: 74 BUNDLES WITH TRACKBEAMS; 19 BUNDLES WITH FITTINGS; 21 BUNDLES WITH SUPPORTS; 01 BENT PLANT; 82 BUNDLES WITH BRACING; 110 BUNDLES WITH BARRIERS; 23 BUNDLES WITH BRACKETS; 58 BUNDLES WITH CONNECTORS; 58 BUNDLES WITH DECKS; 44 BUNDLES WITH STEEL PLATES; 11 BUNDLES WITH RAILING; 01 BUNDLE WITH GUIDE; 03 BUNDLES WITH HANDRAIL WEDGES; 20 CASES.</p> <p><b>MASTER'S REMARKS:</b></p> <p>1. ON 11TH OF JANUARY 2006 AT 16.30 LT WHILE LOADING SLINGS WERE TORN AND CARGO DROPPED AND SEVERAL OF ALUMINUM CONSTRUCTIONS WERE BENT. 2. NUMBERS OF DAMAGED ITEMS: F307, F305, F510, F509, F508, F507, F506, F505, F503, F502, F227, F230, F231, F242, F245, F249, F287, F209, F204, F309, F300, F391, F402, F432, F434, F435, F430, F437, F438, F440, F441, F442, F443, F444, F447, F448, F449, F451, F452, F453, F454, 3 BUNDLES TRACK BEAMS(NOT IDENTIFIED), 1 BUNDLE BARRIERS(NOT IDENTIFIED), CARRIED ON DECK AT SHIPPER'S/CHARTERER'S RECEIVER'S RISK AS TO PERILS INHERENT IN SUCH CARRIAGE, ANY WARRANTY OF SEAWORTHINESS OF THE VESSEL EXPRESSLY WAIVED BY THE SHIPPER / CHARTERER/ RECEIVER, AND IN ALL OTHER RESPECTS SUBJECT TO THE PROVISIONS OF THE UNITED STATES CARRIAGE OF GOODS BY SEA ACT, 1936*</p>			
Freight details, charges, etc.		Declaration of higher value of cargo	
<p><b>Additional Terms</b></p> <p><b>FORWARDING AGENT:</b> ALBAR CONSULTORIA LTDA RUA MARECHAL FLORIANO, 19 SALA 1201 CENTRO - RIO DE JANEIRO - RJ - BRAZIL TEL.: 55 21 2223 76 80</p>			
Detention/Demurrage rate per day pro rated	Freight Payable at <b>FREIGHT PREPAID</b>	Place of Issue VITÓRIA, ES	Signature for and on behalf of the Carrier  TRANSREGIONAL SHIPPING AGENCY LTD AS AGENTS FOR AND ON BEHALF OF CAPT. YURIY BYTCHEVOY THE MASTER OF MV "MALTE B".
	Number of original B/L 3 / THREE	Date of issue 15 <sup>TH</sup> JANUARY, 2006	

\* Although this Bill of Lading may be issued by BBC Chartering and Logistic GmbH & Co. KG, unless BBC Chartering and Logistic GmbH & Co. KG is listed as Carrier, BBC Chartering and Logistic GmbH & Co. KG is acting only as Agent for the Carrier.

